

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.3258 OF 2025

Premprakash Kamlaprasad Yadav, Age 62 years,
Occ.Doctor, R/o.Shakti Mitra Mandal,
Subhas Nagar No.1, Mhakali Gumpha Road,
Ribelow Compound, Andheri(E), Mumbai-400093

Petitioner

versus

1. The State of Maharashtra
2. The Competent Authority/Deputy Collector,
SRA, Mumbai.
3. Tobusol Management Services Pvt.Ltd,
4. The Chief Promoter, SubhashNagar,
Jivdani Mata CHS (SRA) Proposed.

Respondents

Mr.R.N.Kachave for Petitioner.

Ms.Lavina Kriplani, AGP, for Respondent State.

Ms.Ravleen Sabharwal for Respondent no.4 SRA.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 7th January 2026

P.C.

1. This petition under Article 226 of the Constitution of India is filed

praying for the following substantive reliefs :

“a. That this Hon’ble Court be pleased to issue a writ of certiorari or writ in the nature of certiorari or any other appropriate writ, order of direction to respondent no.2 under Articles 226 of the Constitution of India for calling the entire records in respect of the alternate accommodation of the petitioner in respect of his residential premises as per the rules and regulations of Slum Rehabilitation Act, 1995 with doing survey and including the same in Annexure-II as eligible hutment and also quash and set aside notice issued by respondent no.3 on the representation of the petitioner i.e. Exhibit-A and to file a detailed Report within a specific period;

b. This Hon'ble Court may kindly pass an order or direction to respondent no.1 to 4 to allot alternate accommodation i.e. residential premises being he is eligible occupant prior to year 2000."

2. It is the Petitioner's grievance that the representation dated 13th March 2025 for survey of the hutments and declaring the same as eligible for slum redevelopment scheme in respect of the residents residing prior to the year 2000 under Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 ('Slum Act') has not yet been taken cognizance of or decided. It is the Petitioner's contention that he has been residing in hutment no.T-175 in slum area at Shakti Mitra Mandal, Subhas Nagar No.1, Mahakali Gumpah Road, Bibelow Compound, Andheri East, Mumbai-400 093 along with his family prior to 2000 and is eligible as per the slum rehabilitation scheme as envisaged under the Slum Act. It is the Petitioner's contention that he has all the requisite documents i.e. self declaration with Aadhar card, electricity bill, electoral card, bank passbook and several other documents to show that he is in occupation and enjoyment of the said hutment prior to the year 2000 and hence he is eligible to be included in the slum rehabilitation scheme and his name be included in Annexure-II. It is further the Petitioner's contention that on 15th April 2025 Respondent no.3 has issued letter/notice for vacating the hutment of the Petitioner, to start construction of rehab building without considering that the Petitioner is eligible as per slum rehabilitation scheme and his name is to be included in Annexure-II. The impugned letter has been issued without taking into consideration the representation dated 13th March 2025 filed by the Petitioner before Respondent no.2.

3. In view of the fact that the aforesaid representation of the Petitioner has not been decided and notice has been issued dated 15th April 2025 to the Petitioner without considering the aforesid representation, grave prejudice is being caused to the Petitioner. The anxiety of the Petitioner is that such representation should be taken to its logical conclusion and further the same is required to be decided as expeditiously as possible in accordance with law, and the impugned notice in the meanwhile needs to be quashed and set aside.

4. In our opinion, considering the limited relief that the Petitioner seeks in the petition and although there being no written opposition/reply of the Respondents, considering the nature of the orders we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice :-

ORDER

(i) The Respondent no.2, the Competent Authority/Deputy Collector, Andheri-4, Slum Rehabilitation Authority, Bandra, Mumbai shall consider and decide the pending representation of the Petitioner dated 13th March 2025 in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date this order is made available to Respondent no.2 by the Petitioner;

(ii) Let all parties be heard;

(iii) It is directed that Respondent no.3 shall not take any coercive action against the Petitioner pursuant to the notice dated 15th April 2025 till Respondent no.2 takes a decision on the pending representation made by the Petitioner;

- (iv) All rights and contentions of the parties are expressly kept open;
- (v) Writ Petition is disposed of. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)